

REMARKS

Claims 1-20 are pending in this application. By this Amendment, the specification and claims 1, 9, 13, and 17-20 are amended. No new matter is added. Applicant thanks the Examiner for withdrawal of the restriction requirement.

The Office Action objects to the specification because it is asserted that the specification does not conform to U.S. practice. In particular, the Office Action asserts that “the summary of the invention is merely a recitation of the claim limitations”, and does not conform to U.S. practice. This objection is traversed.

Applicant respectfully submits that this objection is not proper. Applicant further submits that the MPEP and the Patent Rules and Statutes do not require any specific format of the summary of the invention and that the specification as a whole meets the requirements of MPEP § 608.01(b). Furthermore, the objection is not consistent with PTO policy which permits Applicant to be his or her own lexicographer.

Thus, reconsideration and withdrawal of the objection to the specification are respectfully requested.

The Office Action objects to claim 13 for containing an asserted informality. Applicant has amended claim 13 as suggested by the Examiner, rendering this objection moot. Reconsideration and withdrawal of the objection to claim 13 are respectfully requested.

The Office Action rejects claims 1, 2, 4, 7, 9, 15, and 17-20 under 35 U.S.C. 112, first paragraph, because it is asserted that these claims fail to comply with the written description

requirement.

This rejection is traversed in view of the amendment to paragraph [0039]. Furthermore, paragraph [0039] clearly discloses an example of how to determine the first and second conditions. Reconsideration and withdrawal of the rejection of claims 1, 2, 4, 7, 9, 15, and 17-20 under 35 U.S.C. 112, first paragraph, are respectfully requested.

The Office Action rejects claims 1-20 under 35 U.S.C. 112, second paragraph, because it is asserted that these claims are indefinite.

Applicant believes that this rejection is overcome with the above amendments to claims 1, 9, and 17-20. If the Examiner believes that any additional changes are necessary, the Examiner is requested to telephone the undersigned to discuss such changes and expedite this matter. Otherwise, reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. 112, second paragraph, are respectfully requested.

The Office Action rejects claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Whitworth (U.S. Patent No. 6,009,402). This rejection is traversed.

As the present claims recite that “a first probability calculation unit for calculating a probability, in which a part of said plurality of said risk factors satisfy a predetermined first condition, and a probability, in which remaining said plurality of said risk factors satisfy a predetermined second condition, using said database,” the claimed invention calculates a “probability” that a part of the plurality of the risk factors satisfy a predetermined first condition (and the remaining plurality of the risk factors satisfy a predetermined second condition using a database).

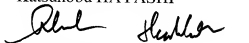
In contrast, as can be seen from the description, for example, at column 14, lines 49-52 of

Whitworth, “an optimal simulation which may be performed to evaluate savings under different scenarios, such as with or without a major earthquake during the following year...” Whitworth merely discloses calculating the savings under various situations in order to compare the two insurances. That is, Whitworth is completely silent with regard to the “possibility” that any of the risk factors satisfies a predetermined condition. Necessarily, Whitworth also fails to show or suggest, by using the calculated probability, calculating a ration between a first compensation amount to be paid or received by the customer when the part of the risk factors satisfy the first condition and a second compensation amount to be paid or received by the customer when the remaining risk factors satisfy the second condition.

For at least the above reasons, Applicant believes that the presently claimed invention is patentably distinguishable over Whitworth. Reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. 102(b), are respectfully requested.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
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Handwritten signatures of Abraham HersHKovitz and Robert K. Carpenter.

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